

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

IRMA GARZA
Plaintiff,

Vs.

THE CITY OF EDINBURG, TEXAS
RICHARD MOLINA, DAVID TORRES,
JORGE SALINAS and GILBERT
ENRIQUEZ

§
§
§
§
§
§
§

CIVIL ACTION NO. 7:18-CV-00267

PLAINTIFF IRMA GARZA'S SECOND CORRECTED/AMENDED MOTION TO
COMPEL DISCOVERY, REPLY TO DEFENDANTS' RESPONSE TO PLAINTIFF'S
CORRECTED MOTION TO COMPEL DISCOVERY AND FOR SANCTIONS

EXHIBIT C

Richard Hinojosa Deposition
(Excerpts)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

IRMA GARZA) (
Plaintiff) (
) (
VS.) (CIVIL ACTION NO.
) (7:18-cv-267
THE CITY OF EDINBURG,) (
TEXAS, RICHARD MOLINA,) (
DAVID TORRES, JORGE) (
SALINAS AND GILBERT) (
ENRIQUEZ) (
Defendants) (

ORAL AND VIDEOTAPED DEPOSITION OF
RICHARD HINOJOSA
APRIL 23, 2019

ORAL AND VIDEOTAPED DEPOSITION OF RICHARD HINOJOSA, produced as a witness at the instance of the PLAINTIFF, taken in the above styled and numbered cause on April 23, 2019, between the hours of 9:05 a.m. and 12:01 p.m., reported stenographically by JOHN W. FELLOWS, Certified Court Reporter No. 3335, in and for the State of Texas, at the offices of FLORES & TORRES, LLP, 118 East Cano Street, Edinburg, Texas, pursuant to the Federal Rules of Civil Procedure and any provisions stated on the record or attached therein.

BRYANT & STINGLEY, INC.
Harlingen (956) 428-0755 McAllen (956) 618-2366

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

IRMA GARZA) (
Plaintiff) (
) (
VS.) (CIVIL ACTION NO.
) (7:18-cv-267
THE CITY OF EDINBURG,) (
TEXAS, RICHARD MOLINA,) (
DAVID TORRES, JORGE) (
SALINAS AND GILBERT) (
ENRIQUEZ) (
Defendants) (

REPORTER'S CERTIFICATION
ORAL AND VIDEOTAPED DEPOSITION OF
RICHARD HINOJOSA
APRIL 23, 2019

I, JOHN W. FELLOWS, Certified Court Reporter, certify that the witness, RICHARD HINOJOSA, was duly sworn by me, and that the transcript is a true and correct record of the testimony given by the witness on April 23, 2019; that the deposition was reported by me in stenograph and was subsequently transcribed under my supervision;

Pursuant to Federal Rule 30(5)(e)(2), a review of the transcript was requested.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, nor am I financially interested in the action.

WITNESS MY HAND on this the _____
_____, 2019.

John W. Fellows
JOHN W. FELLOWS, Texas CSR 3335
Expiration Date: 04-30-21
Bryant & Stingley, Inc., CRN No. 512
1305 East Nolana, Suite D
McAllen, Texas 78504
(956) 618-2366



BRYANT & STINGLEY, INC.

Harlingen (956) 428-0755

McAllen (956) 618-2366

09:37 1 A. Correct.

09:37 2 Q. Now, did anyone -- any of the employees of the
09:37 3 City of Edinburg prior to the 2017 election -- November
09:37 4 2017 election, approach you about a concern about
09:37 5 whether or not they'd be terminated?

09:37 6 A. Well -- and I worked in many cities. Any time
09:37 7 there is an election and a change in administration as
09:37 8 far as elected officials, all employees get concerned
09:37 9 or worried whether or not there's going to be a change
09:37 10 in direction of the city.

09:37 11 I think all city employees, and I don't
09:37 12 think city employees are unique in this matter, but a
09:37 13 lot of city employees are -- are always concerned that
09:37 14 there's a change in elected officials and whether or
09:37 15 not there's going to be a change in -- in
09:37 16 administration; even city managers and whether or not
09:37 17 there is going to be a change in direction as far as on
09:37 18 how they want the city to move.

09:37 19 Q. But in this election, did employees approach
09:38 20 you prior to the date --

09:38 21 A. Yes.

09:38 22 Q. -- about these concerns?

09:38 23 A. Yes.

09:38 24 Q. How many?

09:38 25 A. I don't recall. And it wouldn't have

BRYANT & STINGLEY, INC.

Harlingen (956) 428-0755

McAllen (956) 618-2366

09:38 1 been -- it would've been only directors. I did not
09:38 2 have any employees, other than directors, come to me
09:38 3 directly. I know, maybe one or two directors, I can't
09:38 4 recall how many, said that there were -- some of their
09:38 5 employees were concerned. And -- but they were just
09:38 6 relaying that -- that information to me.

09:38 7 Q. Which directors approached you about these
09:38 8 concerns?

09:38 9 A. I can't recall, specifically, which directors.

09:38 10 Q. You can't recall even one?

09:38 11 A. It would've been the large departments, the
09:38 12 ones with the most employees, maybe public works.

09:38 13 MR. AGUILAR: Objection, speculation.

09:38 14 A. Yes.

09:38 15 MR. AGUILAR: He's asking what you know,
09:38 16 not --

09:38 17 A. I don't know specifically. But if I was asked
09:38 18 to -- to give a guess, it would be public works, with
09:39 19 the large departments: Utilities department. They're
09:39 20 the ones with the most employees.

09:39 21 Q. Would you say -- how many employees would you
09:39 22 say approached you with this concern about the job?

09:39 23 A. It would only been directors and I -- I can't
09:39 24 tell you how many director came and talked to me about
09:39 25 it.

BRYANT & STINGLEY, INC.

Harlingen (956) 428-0755

McAllen (956) 618-2366

09:43 1 A. Yes.

09:43 2 Q. Now, after the election in November of 2017,
09:44 3 did you have a conversation with either Richard Molina
09:44 4 or anybody else on the city council about employee or
09:44 5 personnel matters?

09:44 6 A. I don't understand the question.

09:44 7 Q. Did they approach after the election, either
09:44 8 Richard Molina or any other city council member, about
09:44 9 employees with the City of Edinburg either terminating
09:44 10 them or having to recommend that you hire somebody
09:44 11 else?

09:44 12 A. Yes.

09:44 13 Q. And who did you have that conversation and
09:44 14 when?

09:44 15 A. I don't know the when. But newly elected -- or
09:44 16 after he was council member, George Salinas. The
09:44 17 mayor. Somewhere along that period of time before I
09:45 18 resigned, Gilbert Enriquez. And I believe David Torres
09:45 19 as well.

09:45 20 Q. And let's start with George Salinas. What did
09:45 21 he talk to you about as it pertains to that issue?

09:45 22 A. He asked me about Irma Garza.

09:45 23 Q. And what did he -- what was he inquiring about?

09:45 24 A. He was saying that the council was looking
09:45 25 to -- to change how we did things, as far as public

BRYANT & STINGLEY, INC.

Harlingen (956) 428-0755

McAllen (956) 618-2366

09:45 1 relations and PR and how we would move forward; as
09:45 2 far as getting the word out about the city and how we
09:45 3 did all that, and he had concerns that the department
09:45 4 was -- that needed some change.

09:45 5 Q. Do you know how soon after the election he
09:45 6 approached you to talk -- to discuss Irma Garza?

09:45 7 A. Possibly December or January. December of 2017
09:46 8 and going into January. But I think it was before the
09:46 9 end of the year.

09:46 10 Q. Okay. Did he discuss any other employee with
09:46 11 you?

09:46 12 A. No.

09:46 13 Q. What about Mayor Richard Molina?

09:46 14 A. The same.

09:46 15 Q. He also approached you to discuss Irma Garza's
09:46 16 employment?

09:46 17 A. Correct.

09:46 18 Q. And when did he approach you to discuss her
09:46 19 job?

09:46 20 A. About the same time.

09:46 21 Q. Before the new year?

09:46 22 A. Yes.

09:46 23 Q. So shortly after the election, correct?

09:46 24 A. Correct.

09:46 25 Q. And what was -- what did he ask you or what was

BRYANT & STINGLEY, INC.

Harlingen (956) 428-0755

McAllen (956) 618-2366

10:07 1 Q. Now, if City Hall was closed, it's an off day,
10:07 2 a weekend or holiday, do city employees have access to
10:07 3 the building, City Hall?

10:07 4 A. Some departments heads could have them. I did.
10:08 5 Yes.

10:08 6 Q. Do you recall an incident wherein during the
10:08 7 Thanksgiving holiday, you were called to open up the
10:08 8 building for Richard Molina's wife?

10:08 9 A. I remember opening the building for the -- for
10:08 10 the mayor's wife, Mayor Molina, but he was already
10:08 11 mayor.

10:08 12 Q. Well, the Thanksgiving would've come after the
10:08 13 election, correct?

10:08 14 A. Yeah. I don't know what dates it was, but I do
10:08 15 because she wanted to decorate her -- looking into his
10:08 16 office. The mayor had an office -- well, the mayor in
10:08 17 general, had an office in City Hall, so they wanted to
10:08 18 go in and look at it. She wanted to go in and look at
10:08 19 the office.

10:08 20 Q. And was she accompanied by Cary Zayas?

10:08 21 A. Yes, she was.

10:08 22 Q. So this was well before Irma Garza was
10:08 23 terminated, correct?

10:08 24 A. Yes. I don't know the specific date, but it
10:08 25 was -- it was after the election, because he was

BRYANT & STINGLEY, INC.

Harlingen (956) 428-0755

McAllen (956) 618-2366

10:09 1 already mayor. But I don't recall the -- the specific
10:09 2 date.

10:09 3 Q. Now, did you have a discussion with anybody
10:09 4 about the mayor's wife showing up during the
10:09 5 Thanksgiving holiday to City Hall with Cary Zayas?

10:09 6 A. Come again? I'm sorry, I didn't understand.

10:09 7 Q. Did you have a conversation with anyone, any
10:09 8 employee with the City of Edinburg about the fact that
10:09 9 the mayor's wife showed up on Thanksgiving holiday with
10:09 10 Cary Zayas?

10:09 11 A. I may have. I don't recall if I did or did
10:09 12 not. I may have.

10:09 13 Q. Okay.

10:09 14 MR. FLORES: Can we take a small break?

10:09 15 MR. AGUILAR: Sure.

10:09 16 THE VIDEOGRAPHER: We're off the record.

10:09 17 (Recess)

10:21 18 THE VIDEOGRAPHER: We're back on the
10:21 19 record.

10:21 20 Q. Mr. Hinojosa, Irma Garza is the Plaintiff in
10:21 21 this case as we -- as we discussed earlier. What was
10:21 22 her position at the time of termination?

10:21 23 A. She was the head of the public -- maybe it was
10:21 24 PI. It was the public information office. But can't
10:21 25 remember the actual name of the department. It might

BRYANT & STINGLEY, INC.

Harlingen (956) 428-0755

McAllen (956) 618-2366